



# State of New Jersey

Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930-2322  
(908) 879-6737  
(908) 879-4205 (fax)  
[www.nj.gov/njhighlands](http://www.nj.gov/njhighlands)



CHRIS CHRISTIE  
*Governor*

JIM RILEE  
*Chairman*

KIM GUADAGNO  
*Lt. Governor*

MARGARET NORDSTROM  
*Executive Director*

## MEETING AGENDA Thursday, December 1, 2016 at 4pm

- CALL TO ORDER
- ROLL CALL
- OPEN PUBLIC MEETINGS ACT STATEMENT
- PLEDGE OF ALLEGIANCE
- APPROVAL OF HIGHLANDS COUNCIL MINUTES – October 20, 2016
- APPROVAL OF HIGHLANDS DEVELOPMENT CREDIT BANK MINUTES – November 3, 2016
- CHAIRMAN’S REPORT (and Council Member Reports)
- EXECUTIVE DIRECTOR’S REPORT
- COMMITTEE REPORT:
  - **REGIONAL MASTER PLAN UPDATE**
    - Presentation – Highlands Redevelopment Area Designations
  - **BUDGET & FINANCE**
    - CONSIDERATION OF RESOLUTION – Approval Of A Transfer Of Development Rights Receiving Zone Feasibility Grant City Of Jersey City, Hudson County (*voting matter with public comment*)
- OTHER BUSINESS:
  - CONSIDERATION OF RESOLUTION – Authority for Plan Conformance and Highlands Project Review (*voting matter with public comment*)
  - PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
  - EXECUTIVE SESSION (*if deemed necessary*)
- ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 1, 2016

**PRESENT**

JIM RILEE	)	CHAIRMAN
KURT ALSTEDE	)	VICE CHAIR
TRACY CARLUCCIO	)	COUNCIL MEMBERS
MICHAEL FRANCIS	)	
ROBERT HOLTAWAY	)	
CARL RICHKO	)	
RICHARD VOHDEN	)	
JAMES VISIOLI	)	
ROBERT G. WALTON	)	

**VIA TELE-CONFERENCE**

TIMOTHY P. DOUGHERTY	)
BRUCE JAMES	)
MICHAEL TFANK	)

**ABSENT**

MICHAEL R. DRESSLER	)
MICHAEL SEBETICH	)

**CALL TO ORDER** 149<sup>TH</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:02pm.

**ROLL CALL**

Roll call was taken. Members Dressler and Sebetich were absent. Members Dougherty, James, and Tfank were present via tele-conference. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maher, James Humphries, Corey Piasecki, Kim Ball Kaiser, Maryjude Haddock-Weiler, Carole Ann Dicton, Tom Tagliareni, and Jocelyn van den Akker. Also present were Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matthew Kelly, Deputy Attorney General.*

**OPEN PUBLIC MEETINGS ACT**

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

**PLEDGE OF ALLEGIANCE** was then recited.

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF OCTOBER 20, 2016**

Chairman Rilee asked for a motion on the Minutes of October 20, 2016.

*Member Walton made a motion to approve the Minutes of October 20, 2016. Mr. Francis seconded it.*

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 1, 2016

*A roll call vote was taken. The Minutes of October 20, 2016 were APPROVED 12-0.*

**APPROVAL OF HIGHLANDS DEVELOPMENT CREDIT (HDC) BANK MINUTES  
OF NOVEMBER 3, 2016**

Chairman Rilee asked for a motion on the HDC Minutes of November 3, 2016.

*Member Walton made a motion to approve the HDC Minutes of November 3, 2016. Mr. Holtaway seconded it.*

*A roll call vote was taken. The HDC Minutes of November 3, 2016 were APPROVED 12-0.*

Chairman Rilee noted that since some members need to leave the meeting early, Council will consider the action items on Council's agenda.

**COMMITTEE REPORT**

Budget and Finance Committee

**Resolution – Approval of a Transfer of Development Rights Receiving Zone Feasibility  
Grant City of Jersey City, Hudson County**

*Mr. Holtaway made a motion on the Resolution. Mr. Francis seconded it.*

**Council Comment.**

Member Walton asked why is Council spending additional funds on TDR grants, since no receiving zones have been established as a result. Ms. Nordstrom explained that Jersey City approached the Highlands Council with interest in the program.. Member Walton also asked for the amount of the grant. Ms. Nordstrom responded that the grant is for \$40,000. Chairman Rilee commented that although he has not supported a lot of the TDR grants in the past, this is a grant that has a better chance of moving forward.

**Public Comment.**

**David Peifer, Association of New Jersey Environmental Commission** – Mr. Peifer strongly supports the grant to Jersey City for a TDR receiving zone study and urged Council to look forward to its likely first receiving zone.

**Elliot Ruga, New Jersey Highlands Coalition** – Mr. Ruga echoes the comments of Mr. Peifer. Mr. Ruga also commented that this is a wonderful opportunity for the TDR program and the success of it could lead other municipalities to follow suit.

**Deborah Post, Chester, NJ** – Ms. Post spoke in opposition of this TDR Grant for Jersey City as farmers have lost property values.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 1, 2016

**David Shope, Lebanon Township, NJ** – Mr. Shope spoke in opposition of this TDR Grant for Jersey City as it is his opinion that Jersey City will harm New Jersey’s water supply and increase pollutants into the rivers.

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented that he agrees with his fellow farmers and is opposed to this resolution.

*All members present voted on the Resolution. The Resolution was APPROVED 11-1.*

Chairman Rilee commented that there will be accountability along the way with Jersey City’s TDR grant.

Other Business:

**Resolution – Authority For Highlands Plan Conformance and Highlands Project Review**

Chairman Rilee announced that he was pulling this resolution from the agenda for further review.

**CHAIRMAN’S REPORT**

Chairman Rilee reported that he contacted Congressman Rodney Frelinghuysen concerning funds in a federal bill being put forward and inquired how Council could receive those funds. Chairman Rilee added that Ms. Nordstrom took the ball and ran with it more recently and Council has become the lead agency for \$2.4M to be used to purchase HDC Credits.

Ms. Nordstrom explained that the source of funding is the Highlands Conservation Act sponsored by Congressman Rodney Frelinghuysen. Council was awarded \$2.4M in matching funds from U.S. Fish and Wildlife Service in the 2016 Highlands Conservation Act Grant Program. The Council will use the funding to purchase HDCs. Ms. Nordstrom noted that this is a huge step forward for this agency to be receiving federal funds and it enhances programs put into effect this year. Ms. Nordstrom thanked Highlands staff, in particular Carole Diction (Communications Manager) for coordinating and moving the project forward.

At this time, there was discussion between Highlands Council staff and Council regarding the awarded funds. Member Walton suggested that we bring these awarded funds back to Council’s sub-committee for discussion.

**Council Reports**

Member Richko commented on the state’s current drought situation, noting that there have been many news articles discussing the New Jersey Water Supply Master Plan (the Plan). He explained that the 1996 version of the Plan was to be updated every five (5) years and that hasn’t happened. Member Richko added that there is a state Water Supply Advisory Committee that makes

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 1, 2016

recommendations for the Plan and although revisions have been made, for unknown reasons the Plan has not moved forward. Member Richko urged that Council prepare a resolution to send to the Governor's office and New Jersey Department of Environmental Protection requesting release of these revisions and/or updates of the Plan to the public.

Chairman Rilee asked Member Richko to supply this information to Council staff for Council's next meeting and/or a possible agenda item.

Member Carluccio supports Member Richko's suggestion to Council and thanks Chairman Rilee for referring it to Council staff.

### **EXECUTIVE DIRECTOR'S (ED) REPORT**

Ms. Nordstrom highlighted some of Council staff's activities.

#### Plan Conformance Implementation

Oakland Borough, Bergen County adopted its Master Plan Highlands Element; and Town of Clinton adopted its Master Plan Reexamination Report and Highlands Environmental Resource Inventory.

#### Municipal Issued Exemptions - Preservation Area:

- Washington Township, Morris County,; Exemption 4 – 1 issued
- Washington Township, Warren County, Exemption 1 – 1 issued

### **COMMITTEE REPORT** (cont'd)

#### **RMP Update Committee**

*Member Walton left temporarily at 4:32pm.*

Committee Chair Alstede introduced Council staff to provide a presentation to Council regarding the Highlands Redevelopment Area Designation procedures.

Ms. Nordstrom commented that the Redevelopment Area Designation guidance document has been in place for some time and recently received some minor revisions. The presentation explains some of the clarifications made, in particular with regard to applications involving brownfield redevelopment. Ms. Nordstrom noted that an application for a Redevelopment Area Designation involving a brownfield may be coming before this Council in the January meeting. The clarifications reflect some concerns raised by this Council at prior meetings. Ms. Nordstrom also noted that Council staff will go over some additional proposed future changes to the procedure that will require an adoption process.

Council staff then gave a presentation regarding the Highlands Redevelopment Area Designation procedure. The presentation may be found on Council's website at the following link:  
[www.nj.gov/njhighlands/about/calend/2016\\_meetings/dec\\_01/preso\\_redev\\_procedures.pdf](http://www.nj.gov/njhighlands/about/calend/2016_meetings/dec_01/preso_redev_procedures.pdf)

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 1, 2016

*Member Walton returned to the meeting at 4:36pm.*

**Council Comment**

Member Carluccio commented that she was glad to see improvements to the document. Member Carluccio expressed her concerns for transparency during the entire application process from the initial meeting with Council staff to when the application is noticed to the public. Member Carluccio feels that the municipality needs to be aware of the entire process.

Member Holtaway feels additional burdens are not necessary for applicants in this process until an application is presented.

Member Francis asked how the Redevelopment document fits with Statute 40 of the Redevelopment Housing Law. Council staff responded that a Highlands Redevelopment Area Designation is totally separate from Statute 40.

Chairman Rilee opened the meeting to the general public for comments.

**Public Comment**

**George Stafford, New Jersey Highlands Coalition** – Mr. Stafford commented on Member Richko's suggestion for Council to prepare a resolution regarding the New Jersey Water Supply Master Plan. Mr. Stafford has attended various municipal meetings urging municipalities to pass a resolution urging the state to release the Plan. Mr. Stafford urges Council to follow through on this resolution and noted that he has a resolution that could be used as a model.

Member Richko asked Mr. Stafford to share his resolution with Council staff.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented on the Highlands wastewater management plans being held by NJDEP for years. Ms. Somers congratulated Council on their successful advocacy with regard to the Federal Highlands funding and suggested perhaps Council could receive more funding. Ms. Somers thanked Member Richko for his suggestion.

*Member Visioli left the meeting at 4:56pm.*

**Deborah Post, Chester, NJ** – Ms. Post asked Council to include specific and detailed direction regarding the duties of conforming municipalities to support and enhance the RMP economic goal of a vibrant agri-tourism industry in its revision of the RMP. Ms. Post submitted her comments for the record.

**Wilma Frey, New Jersey Conservation Foundation** – Ms. Frey asked if the Redevelopment document is on the website and asked if there is time for public to comment. Council staff responded that the document is on the Council's website and members of the public will have the opportunity for formal comment during the adoption process.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 1, 2016

**David Shope, Lebanon Township, NJ** – Mr. Shope spoke regarding why the State’s Water Supply Master Plan has not been updated. He also commented on Council ethics codes, and the Jersey City TDR resolution.

*Member Walton left the meeting at 5:07pm.*

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented on NJDEP septic density rules and asked what is going on with the rules.

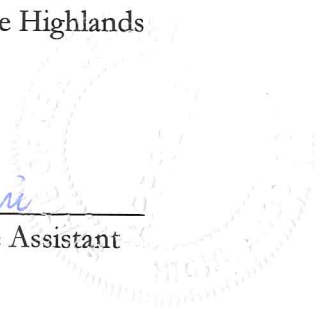
*Member Holtaway made a motion to adjourn the meeting. Member Richko seconded it. All were in favor. The meeting was adjourned at 5:10pm.*

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 1-19-17

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant



**Vote on the Approval of These Minutes**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	✓	_____	✓	_____	_____	_____
Councilmember James	_____	_____	✓	_____	_____	_____
Councilmember Richko	_____	✓	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	_____	_____	_____	✓
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS  
COUNCIL MEETING ON DECEMBER 1, 2016

Comments to Highlands Council – Public comment period December 1, 2016

Deborah Post. I own an agritourist farm in Chester Township, a town with six agritourist farms that is a fall harvest agritourist destination.

My farm has a large Highlands Act property value loss and I have not been compensated. The allocation tool shows my property lost 18 buildable lots which your municipal averages value at \$250,000 a lot. I trust you can all do that multiplication. This number is so large because my property is 95% unconstrained being in the part of Chester not originally deemed Preservation Area until Mayor Spinelli lobbied to move the line to include most of Chester.

The Highlands RMP makes a huge big deal about how tourism - agritourism in particular - is to be the panacea for economic decline in the Highlands. We all know this is a laugh, but it is a highlighted foundation of your RMP. Chester Township has opted into your RMP. Chester's mayors Spinelli and Cogger have sat on this Council. Mayor Cogger was, you recall, the councilman who authorized the Chester police to drag Hal Danielson from this room, not once but twice.

One would think that conformance means the municipality has pledged to adopt, embrace and support the goals and missions of the RMP. But not Chester Township. Agritourist farms bring excessive traffic to town on fall weekends, disrupting the routines of local residents, and putting extreme pressure on woefully inadequate road infrastructure. Mayor Cogger responds to these pressures by refusing adequately to fund the police on harvest weekends and demanding that we farmers pay for the police. As a farmer, I am asked to forfeit many millions of dollars of net worth AND pay for municipal police services in a conforming town decidedly unfriendly to farms.

In a pro se legal action, I challenged Mayor Cogger's ordinance that demanded my farm pay for police services. I actually won with the ordinance declared null and void. In the course of my oral argument I showed the court page 357 of the RMP addressing sustainable economic development as evidence that conforming Chester had a duty to support agritourism. The judge rejected my argument unless I could point to specific language in the RMP that requires conforming municipalities to maintain and manage the road infrastructure in support of agritourism. I could find no such language in your RMP.

In its revision of the RMP I ask this Council to include specific and detailed direction regarding the duties of conforming municipalities to support and enhance the RMP economic goal of a vibrant agritourism industry. In addition to traffic management, the RMP must direct municipalities to abide by the Right to Farm Act and to avoid unnecessary, burdensome and downright harassing regulations on agriculture. You've taken our net worths, at least let us farm in peace.

**RESOLUTION 2016-13**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE**  
**FEASIBILITY GRANT CITY OF JERSEY CITY, HUDSON COUNTY**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

**WHEREAS**, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

**WHEREAS**, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties for implementation of a transfer of development rights (TDR) program; and

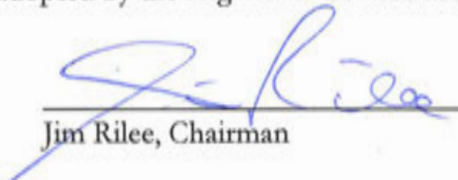
**WHEREAS**, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities in furtherance of the development of the Highlands TDR Program, in an annual amount not to exceed \$1,000,000; and

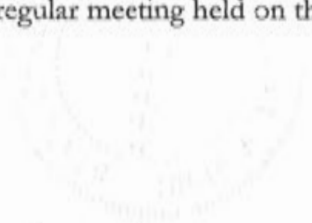
**WHEREAS**, the Budget and Finance Committee reviewed the grant application submitted by the City of Jersey City, County of Hudson, and recommends approval by the Highlands Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that the Executive Director, or his designee, is hereby authorized to enter into a grant agreement with the City of Jersey City for a TDR Receiving Zone Feasibility Grant in the amount of \$40,000, provided that the Executive Director may authorize additional amounts under this contract pursuant to his authority under the Highlands Council Bylaws.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 1<sup>st</sup> day of December, 2016.

  
 \_\_\_\_\_  
 Jim Rilee, Chairman



**Vote on the Approval of This Resolution**

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	_____	_____	_____	✓
Councilmember Francis	_____	✓	✓	_____	_____	_____
Councilmember Holtaway	✓	_____	✓	_____	_____	_____
Councilmember James	_____	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	_____	_____	_____	✓
Councilmember Tfrank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	_____	✓	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____

**RESOLUTION 2016-**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND**  
**HIGHLANDS PROJECT REVIEW**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

**WHEREAS**, the Highlands Act created the Highlands Council as a regional planning and protection entity, to develop, adopt and periodically revise a Regional Master Plan, with a primary goal of protecting and enhancing the significant values of the resources of the Highlands Region; and

**WHEREAS**, the Highlands Council adopted the Regional Master Plan (RMP) on July 17, 2008 and, as a result of Executive Order 114 (2008), the RMP has an effective date of September 8, 2008; and

**WHEREAS**, Section 14 of the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the RMP (Plan Conformance); and

**WHEREAS**, Section 15 of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the RMP; and

**WHEREAS**, the Highlands Council adopted and distributed to the Highlands municipalities and counties Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

**WHEREAS**, Section 13 of the Highlands Act requires the Highlands Council to create a regional transfer of development rights (TDR) program for the Highlands Region which includes a program for voluntary TDR receiving zones for any municipality within the seven Highlands Counties and sending zones for the preservation of lands to protect Highlands resources; and

**WHEREAS**, Section 11.a.4 of the Highlands Act requires a coordination and consistency component which details the ways in which local, State, and federal programs and policies may best be coordinated to promote the goals, purposes, policies, and provisions of the RMP; and

**WHEREAS**, Section 11.h and 9 of the Highlands Act requires the identification of areas appropriate for redevelopment and the setting of appropriate density standards for redevelopment; any area identified for possible redevelopment shall be either a brownfield site designated by the Department of Environmental Protection or a site at which at least 70% of the area thereof is covered with impervious surface (Highlands Redevelopment Areas); and

**RESOLUTION 2016-**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND**  
**HIGHLANDS PROJECT REVIEW**

**WHEREAS**, Section 30 of the Highlands Act includes seventeen exemptions from the provisions of the Act, the RMP, any rules or regulations adopted by NJDEP pursuant to the Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit to specifically conform them with the RMP; and

**WHEREAS**, Sections 38 through 82 of the Highlands Act amends numerous statutes of State agencies to specifically require coordinated action to implement the RMP and requires consultation between the Highlands Council and State agencies to ensure that the RMP is considered prior to State agency action; and

**WHEREAS**, Sections 16 and 17 of the Highlands Act respectively authorize the Highlands Council to review capital or other project proposed to be undertaken by any State entity or local government unit and to review a final local government unit approval, rejection, or approval with conditions; and

**WHEREAS**, the Highlands Council desires to establish a process to implement the Highlands Act and the RMP in an orderly fashion through Plan Conformance and Highlands Project Review and to ensure that the Highlands Council retains authority to review and approve certain matters and to delegate authority to the Executive Director to review and approve others matters such that delegated matters constitute final agency action subject to the Council's authority to reconsider any final agency action; and

**WHEREAS**, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that the Highlands Council shall hereby take the following actions to implement the Highlands Regional Master Plan:

1. For municipal and county Plan Conformance, review and issue final determinations on all Petitions for Plan Conformance including, but not limited to, any related conditions, grant allocations, resource management plans, Map Adjustments and Highlands Center designations in accordance with the Regional Master Plan and the Plan Conformance Guidelines;
2. For the Highlands TDR Program, designate voluntary TDR Receiving Zones based upon municipal petitions and review and, where direct Council action is recommended by the Executive Director, issue HDC Allocation Determinations and execute any related documents and deeds of easement;
3. For Highlands Redevelopment Area Designations, designate areas appropriate for redevelopment;
4. For federal, State, and regional agency coordination, review and issue determinations on all requests for consultation, coordination, recommendation or consistency determinations where direct Council action is recommended by the Executive Director;

**RESOLUTION 2016-**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND**  
**HIGHLANDS PROJECT REVIEW**

5. For Highlands Act exemption determinations, review and issue exemption determinations where direct Council action is recommended by the Executive Director; and
6. For the adoption of any master plan, development regulation, or other regulation by a local government unit not in Plan Conformance, development applications submitted to and approved by local government units, the call-up of local government unit approvals, and capital and other projects of State entities and local government units, review and issue comments or determinations on these matters on a case-by-case basis where the Highlands Council determines that Council action is required.

**THEREFORE, BE IT FURTHER RESOLVED** by the Highlands Council that the Executive Director is hereby delegated the authority to take the following final agency actions on behalf of the Council:

1. For municipal and county Plan Conformance, provide recommendations and take actions pursuant to the Plan Conformance Guidelines or Council Resolution and review and issue determinations on all requests for an RMP Update to verify updated, relevant factual information;
2. For the Highlands TDR Program, review and issue HDC Allocation Determinations and execute any related documents and deeds of easement;
3. For federal, State, and regional agency coordination, review and issue determinations on all requests for consultation, coordination, recommendation or consistency determinations;
4. For Highlands Act exemption determinations, review and issue exemption determinations;
5. For the adoption of any master plan, development regulation, or other regulation by a local government unit not in Plan Conformance, development applications submitted to and approved by local government units, the call-up of local government unit approvals, and capital and other projects of State entities and local government units, review and issue comments or determinations on these matters unless Council review is required by the Council;
6. For all of the above, the Executive Director may make a recommendation, based upon the potential impact on Highlands resources, that final agency action be taken by the Highlands Council; and
7. For all of the above, the Executive Director shall provide reports to the Highlands Council of all actions and determinations on a regular basis.

**RESOLUTION 2016-**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND**  
**HIGHLANDS PROJECT REVIEW**

**THEREFORE, BE IT FURTHER RESOLVED** that any and all actions taken by the Executive Director pursuant to Resolution 2015-23 from December 3, 2015 through the effective date of this Resolution be and hereby are ratified by the Highlands Council; and

**THEREFORE, BE IT FURTHER RESOLVED** that this Resolution shall remain in full force and effect until it is revoked or modified by a subsequent resolution adopted by the Council.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 1<sup>st</sup> day of December, 2016.

\_\_\_\_\_  
Jim Rilee, Chairman

<b>Vote on the Approval of This Resolution</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Councilmember Alstede	_____	_____	_____	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	_____	_____	_____
Councilmember Dougherty	_____	_____	_____	_____	_____	_____
Councilmember Dressler	_____	_____	_____	_____	_____	_____
Councilmember Francis	_____	✓	_____	_____	_____	_____
Councilmember Holtaway	✓	_____	_____	_____	_____	_____
Councilmember James	_____	_____	_____	_____	_____	_____
Councilmember Richko	_____	_____	_____	_____	_____	_____
Councilmember Sebetich	_____	_____	_____	_____	_____	_____
Councilmember Tfrank	_____	_____	_____	_____	_____	_____
Councilmember Visioli	_____	_____	_____	_____	_____	_____
Councilmember Vohden	_____	_____	_____	_____	_____	_____
Councilmember Walton	_____	_____	_____	_____	_____	_____
Chairman Rilee	_____	_____	_____	_____	_____	_____



# Highlands Council Meeting

Thursday, December 1, 2016

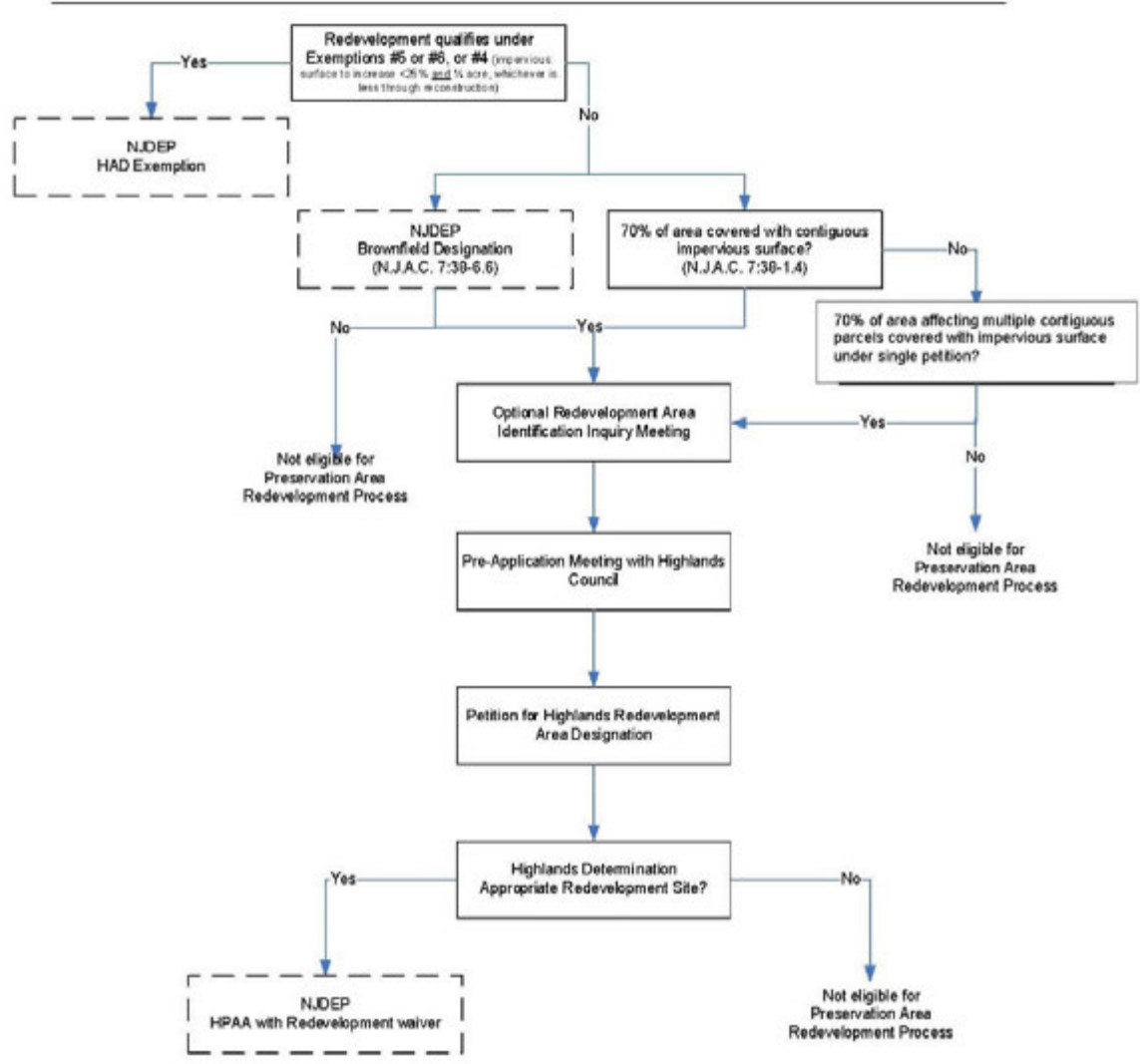


# Highlands Redevelopment Area Guidance Document

- Redevelopment in certain previously developed areas in the Highlands Preservation Area including:
  - NJDEP-designated Highlands brownfield sites; or
  - Site at which at least 70 percent of the area is covered with impervious surface
- Designation as a Highlands Redevelopment Area allows for potential waivers from the NJDEP Highlands Rules



### New Jersey Highlands Preservation Area Redevelopment Process





# Clarifications of Highlands Redevelopment Area Designations

- For Highlands Brownfields designations, require additional information on the remediation and the proposed use of the property
- Clarify that only municipalities may apply for designations involving multiple property owners
- Require public notice of the Highlands Council's public hearing to all property owners that are included in a Highlands Redevelopment Area or are located within 200 ft. of the proposed boundary
- Require that a municipality adopt a master plan amendment incorporating any multiple property Highlands Redevelopment Area



# Proposed Amendments

## Duration of Highlands Redevelopment Area Approval

- Applicant shall have 5 years to receive approval of an HPAA with Redevelopment Waiver from the NJDEP.
- At the end of the 5 year period, if the applicant has not received approval of an HPAA with Redevelopment Waiver from the NJDEP, then the Highlands Council's approval shall automatically expire;
- Applicant may receive a one year extension from the Highlands Council upon showing of good cause.
- After receiving approval of an HPAA with Waiver from the NJDEP, the duration shall coincide with the HPAA issued by NJDEP.



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## State of New Jersey

Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930-2322  
(908) 879-6737  
(908) 879-4205 (fax)  
[www.nj.gov/njhighlands](http://www.nj.gov/njhighlands)



JIM RILEE  
Chairman

MARGARET NORDSTROM  
Executive Director

### MEMORANDUM

**To:** RMP Update Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** Record of RMP Update Committee Meeting of October 13, 2016  
**Date:** October 27, 2016

The RMP Update Committee met on Thursday, October 13, 2016 at the Highlands Council office in Chester. Committee Members present: Committee Chair Alstede, Committee Members Sebetich and Vohden, and via phone, Council Chairman Rilee and Member Holtaway.

Highlands Council Staff Members present: Margaret Nordstrom, John Maher, Kim Kaiser, James Humphries, Maryjude Haddock-Weiler, Judy Thornton, Corey Piasecki, Carole Ann Dicton, and Annette Tagliareni.

Also present (via phone): Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit and Steve Gunnells, Placeworks

*Committee Chair Alstede called the meeting to order at 2:07pm.*

#### Final Fiscal Impact Assessment (FIA) Presentation

Steve Gunnells presented the final FIA report. After the presentation, Committee members had questions/comments on some of the slides that pertained to large lots, equalized value, and comparisons between Planning and Preservation Areas. Mr. Gunnells noted that, although he had not included all information in his presentation, the full report has more detail to address member comments. Mr. Gunnells also recommended that Council monitor housing and vacant land sales values and equalized property values and that trends may be clearer over time in the Region. Continued monitoring of building permits and the balance between single family and multifamily construction is also recommended. Mr. Gunnells indicated that a more detailed analysis of phases 1-3 will be included in his final report. A Municipal Fact Book, which sub-consultant RPA is currently working to complete, will also be part of the final report.

MPRR Status

Staff reported that the first indicator report is now with RPA to finalize. The next step will be to complete all remaining indicator reports, based on this model, and provide them to staff for review and editing.

Amending the RMP

The committee was asked to review the flow chart based on their last committee meeting discussions. The committee agreed to share the flow chart with Council at its October 20<sup>th</sup> meeting. It was noted that the flow chart, along with the final FIA presentation, would be posted to the website after that meeting.

The next meeting is scheduled for November 29, 2016 at 2:00 pm.

*The meeting adjourned at 3:06pm.*